THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 13827 OF 2002

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ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in changing the pulse rate in respect of the telephone calls made from Madanapalle to Tirupathi from 180 seconds to 30 seconds as illegal, and for consequential direction to the respondents to issue bills based on old pulse rates.

Mainly this Writ Petition is filed stating that distance between Madanapalle and Tirupathi is less than 100 Kms; as such, the respondents have to charge at the pulse rate of 180 seconds per call.

Counter affidavit is filed on behalf of the respondents, stating that the distance between Madanapalle and Tirupathi is more than 100 Kms,. It is further stated that pulse rate of 180 seconds is applicable, only for the internet usagers and up to distance of 50 Kms, and, pulse rate of 18/28 seconds is applicable for the distance between 50 to 200 KMs.

Having regard to the averments made in the counter affidavit, factual disputes emerge for consideration, which cannot be decided in the Writ Petition filed under Article 226 of the Constitution of India. However, it is open for the petitioners to raise dispute seeking reference to an arbitrator as contemplated under Section 7-B of the Indian Telegraph Act, 1885.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 29---09--2005.

Msnr